

Medicine. To recognize his remarkable contributions, the American Board of Sleep Medicine has named its highest honor the Helmut S. Schmidt Award.

Mr. Speaker, without question, Dr. Helmut Schmidt has helped lead the way to new, innovative discoveries in medicine, and has established himself as a world-renowned leader in tracking and treating sleep-related disorders. He is a credit to medicine, a trend-setter in sleep medicine, a valued asset to the state of Ohio, and a true Buckeye.

Mr. Speaker, I would urge my colleagues to stand and join me in this special tribute to Dr. Helmut Schmidt, a great physician, a great Ohioan, and a great American. For his exemplary service to medicine and to his country, we salute Dr. Helmut Siegfried Schmidt.

#### FAREWELL TO JANE HARMAN

#### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 12, 1998*

Mr. MARTINEZ. Mr. Speaker, I rise to say farewell to Representative JANE HARMAN, an outstanding Member of the California congressional delegation and of this House, who is leaving public service at the end of this Congress. While a relative junior Member of this institution, she has been one of this body's most thoughtful Members.

Since joining the House in 1993, Congresswoman HARMAN has fought tirelessly for a smarter and stronger defense. She successfully fought to keep critically important military bases in California off the base closure list. She fought to fully fund the C-17 cargo plane and secured funding for the F/A-18 fighter plane. As a respected member of the National Security Committee, JANE HARMAN has supported innovative defense conversion, reinvestment, and transition programs that have had a positive effect on the lives of tens of thousands of defense workers.

Representative HARMAN has also been a champion of women's issues during her congressional tenure. She has been a leader in fighting to preserve a woman's right to choose. Year after year she has come to the well of the House and spoken eloquently and forcefully on behalf of women's rights here at home and abroad. Representative HARMAN played key roles in the congressional investigations of sexual misconduct in the military, on the question of women in combat, and on the critical issue of access to abortion for military women and their dependents.

Congresswoman HARMAN has been a great credit to her district, to California, to our Nation and to the House of Representatives. Mr. Speaker, JANE HARMAN will be sorely missed in the 106th Congress.

#### HONORING JUDGE PHILIP PASTORE ON HIS 100TH BIRTHDAY

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 12, 1998*

Ms. DeLAURO. Mr. Speaker, I rise to call to your attention the 100th anniversary of the

birth of the Honorable Philip Pastore, a life-long New Haven resident who has served both the city of New Haven and the State of Connecticut with distinction throughout his law career.

Judge Pastore has dedicated his life to making our justice system work. In both his personal and professional life, he has earned a reputation for his fairness, integrity, and commitment to upholding and respecting the law. These qualities are demonstrated in the many judicial cases he has tried, presided over, and rendered judgments on for more than half a century. Judge Pastore retired only 3 years ago, leaving a legacy which included positions as a Democratic state representative and Superior Court judge.

It is fascinating to listen to Judge Pastore's stories of the century of history he witnessed, along with the remarkable changes and tremendous progress to the judicial system. Although he no longer practices professionally, he continues to keep up-to-date on current case law, and his wife still reads the Connecticut Law Journal to him. Many seek his advice, knowing his counsel is offered with wisdom, justice, and compassion. Plaques cover the walls of his home to honor the services he has donated to the community. Indeed, his long career has left an indelible mark on the residents of Connecticut, and especially his close friends from the Wooster Street neighborhood. It is difficult to find someone whose commitment to excellence equals his own.

I join with his wife, Margaret, his children, grandchildren, and great grandchildren to honor Philip Pastore on his 100th birthday. Best wishes for continued fulfillment and happiness. Happy Birthday!

#### FAREWELL TO REPRESENTATIVE JANE HARMAN

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 12, 1998*

Ms. PELOSI. Mr. Speaker, it saddens me to say goodbye to my dear friend and colleague, JANE HARMAN, who in three terms in office has distinguished herself in the House of Representatives. Jane is leaving office at the end of the 105th Congress and her thoughtful approach to legislation and her fighting spirit will be sorely missed.

Many of my colleagues, and especially those of us in the California delegation, know of her tenacity and commitment to the key issues that support America's families. This fighting spirit has been an inspiration to us all whether it was in debates over smaller classes for our children, economic opportunity for all, or a woman's right to choose.

JANE HARMAN, thank you for being in the trenches; thank you for your leadership; thank you for making this House a better place because of your commitment to the people of this great nation.

#### IN MEMORY OF CAROLINE DREWES

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 12, 1998*

Mr. FARR of California. Mr. Speaker, I rise to join the country in mourning the passing of Caroline Drewes, an articulate interpreter of our times.

Caroline was born in 1917, a fourth generation San Franciscan, to Olga and Horace Clifton. Her mother was President of the San Francisco Opera, who endowed her daughter with an appreciation for music and the grand style. Caroline graduated from Miss Burke's School and attended University of California, Berkeley. At the age of nineteen, after the death of her father, she was hired by the San Francisco Call, becoming one of the first women in the area to cover hard news. Caroline loved to learn about people, and then communicate the story with vivid descriptions that reflected her wide range of interests.

Caroline married Robert Drewes in 1940, and they lived for a time in Washington, D.C. where her three children were born. When they returned to San Francisco in 1947 with their children, Robert, Stephen and Erica, Caroline was welcomed back to the Call. A working mother, she wrote a society column from home when her children were young, and devoted herself to community causes as well. Caroline also indulged her sophisticated tastes, attending performances, hosting musicals, and entertaining friends.

Caroline's loving husband, Superior Court Judge Robert Drewes, died in 1987. Asked by a friend how she coped in low moments, Caroline replied that she put on her best dress. She also became an intrepid traveler, and of course, wrote of her travels. Her talent for writing was complimented by her breadth of mind.

Caroline's warmth towards others was made more enchanting by her elegant style and joie de vivre. Her friends, saddened by her loss, use words like "exquisite," "classic," "true sophisticate." San Francisco chronicler Herb Caen named Caroline to the top 10 people in the City with good vibes. I join the loving family and wide circle of friends of Caroline Drewes in expressing how much we feel her absence. However, everyone who ever knew her, carries warm memories of her lovely presence.

#### HONORING THE VOCAL GROUP HALL OF FAME

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 1998*

Mr. KUCINICH. Mr. Speaker, I rise to honor the Vocal Group Hall of Fame & Museum on their inaugural induction of the first class of vocal ensembles. They are a diverse group of performers that have enriched our lives with their influential music and unmistakable talent.

Opening its doors in May 1998, the Vocal Group Hall of Fame & Museum was presented as a multimillion dollar facility, featuring exhibits and memorabilia of many of the best-

known-close-harmony ensembles in music history. It also includes historical exhibits tracing the history of American vocal harmony from its roots in the Nineteenth Century and the history of musical recording technology, as well as an operating radio station for remote broadcasters by guest stations.

With the help of Goldmine Magazine, the Vocal Group Hall of Fame elected a dynamic class of inductees this year. The initial class includes: the Ames Brothers, The Andrews Sisters, The Beach Boys, Crosby, Stills, and Nash, the Drifters, the Manhattan Transfer, the Platters, and the legendary Supremes. These groups graced us with their catchy melodies and unforgettable songs that have stood the test of time.

But the Vocal Group Hall of Fame also realized the importance of the groups that influenced this class of inductees by giving them the Pioneers of Musical Style Award. This award was given to groups prior to 1940 who contributed to the foundations of American vocal harmony and substantially influenced other artists. This year, they included: the Boswell Sisters, The Five Blind Boys of Mississippi, the Golden Gate Quartet, the Mills Brothers, the Ravens, and the Sonny Til and the Orioles.

My fellow colleagues, please join me in congratulating these music groups for their induction in the Vocal Group Hall of Fame & Museum. This institution has made it possible for us to honor and preserve the pioneers that have influenced the music we know today.

#### AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

**HON. LAMAR S. SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 12, 1998*

Mr. SMITH of Texas. Mr. Speaker, The H-1B visa bills passed by the Senate and by the House Judiciary Committee both proposed to increase the quota of H-1B temporary visas for foreign professional workers. Both bills responded to the fact that demand has exceeded the annual quota of 65,000 in each of the past two fiscal years. The reason for this increased demand is thought to be a shortage in America's information technology workforce. While evidence for this shortage is inconclusive, it was my belief that we should give the industry the benefit of the doubt and grant the additional visas.

The Senate and House Judiciary Committee bills did have large differences. The Judiciary Committee bill (H.R. 3736, which I introduced in my capacity as chairman of the Subcommittee on Immigration and Claims) required that employers comply with two new attestations when petitioning for H-1B workers. Employers would have had to promise not to lay off (displace) American workers and replace them with aliens on H-1B visas, and to recruit American workers before petitioning for foreign workers. I felt that these protections for American workers were necessary because of the large number of documented abuses of the H-1B program—instances of companies actually laying off Americans to be replaced by H-1Bs and companies recruiting workers exclusively from overseas. The Senate bill (introduced by

Senator SPENCER ABRAHAM) contained no comparable provisions.

With the assistance and support of the leadership of the House and Senate along with House and Senate Judiciary Committee Chairmen HENRY HYDE and ORRIN HATCH, Senator ABRAHAM and I drafted a workable compromise between the two bills. We then agreed to further changes after negotiations with the White House in order to gain Administration support. H.R. 3736 was brought to the House floor on September 24, 1998. The base text was the compromise worked out with Senator ABRAHAM along with as many of the acceptable changes requested by the White House as could be drafted in time. The bill passed by a vote of 288–133. Language was then drafted to make the bill fully consistent with the agreement with the White House. A bill encompassing this latter language was included in H.R. 4328, as enacted, which makes omnibus consolidated and emergency supplemental appropriations for fiscal year 1999.

The final bill, entitled the American Competitiveness and Workforce Improvement Act of 1998, is a negotiated agreement. That is the nature of any legislative process. What is important is that we have come up with a bill that both responds to the needs of American industry and adds protections for American workers.

Under the American Competitiveness and Workforce Improvement Act, the H-1B quota will be set at 115,000 in 1999 and 2000, and 107,500 in 2001. Then the quota will return to 65,000 (at which time the attestations will sunset).

The employers most prone to abusing the H-1B program are called "job contractors" or "job shops". Much, or all, of their workforces are composed of foreign workers on H-1B visas. Many of these companies make no pretense of looking for American workers and are in business to contract their H-1Bs out to other companies. The companies to which the H-1Bs are contracted benefit in that the wages paid to the foreign workers are often well below what comparable Americans would receive. Also, the companies don't have to shoulder the obligations of being the legally recognized employers—the job contractors/shops remain the official employers.

Under the American Competitiveness and Workforce Improvement Act, the no-lay off/non-displacement and recruitment attestations will apply principally to job contractors/shops, defined in the bill (for larger companies) as those employers 15% or more of whose workforces are composed of H-1B workers. These businesses, designated as "H-1B-dependent", will be subject to the attestations in those instances where they petition for H-1Bs without masters degrees in high technology fields or where they plan to pay the H-1Bs less than \$60,000 a year. Thus, the attestations are being targeted to hit the companies most likely to abuse the system—job contractors/shops who are seeking aliens without extraordinary talents (only bachelors degrees) or offering relatively low wages (below \$60,000). Other employers, who use a relatively small number of H-1Bs, will not have to comply with the new attestations unless they have been found to have willfully violated the rules of the H-1B program.

Since a Conference Committee Report was never prepared for the American Competitiveness and Workforce Improvement Act, I felt it

important to supplement the existing legislative history (such as H. Rep. No. 105–657) with the present document. What follows is an explanatory statement as to some of the provisions of the Act.

Let me start off by saying that when interpreting the statutory language, each provision should be read in the light most protective of American workers. This was, in my view, the intent of the House of Representatives and the way in which the body would want the Secretary of Labor, the Attorney General, and the Commissioner of the Immigration and Naturalization Service to interpret the language. On September 24, 1998, the House passed H.R. 3736. As consistent with the compromise agreement I had helped negotiate, I supported the bill and opposed the Democratic substitute offered by Representative WATT. However, it should be remembered that a majority of the members of the House that day either voted in favor of the Watt amendment or against H.R. 3736 on final passage (or both).

The Watt amendment contained the heightened protections for American workers contained in H.R. 3736 as passed by the Judiciary Committee. It is clear that the members—constituting a majority of the House—who voted for the Watt amendment or against final passage were very concerned about the impact of a large-scale increase in the H-1B quota on American workers in the impacted professional fields. Many of the members who voted against the Watt amendment and in favor of H.R. 3736 on final passage were also concerned about American workers and only voted as they did because they understood that the worker protections in the final compromise would be reasonably interpreted and vigorously enforced. Thus, a large majority of the House of Representatives would want H.R. 3736 read in the light most protective of American workers.

Finally, the following legislative history ends after section 413 of the bill. The remaining provisions were deemed self-explanatory, and thus, not in need of further explanation.

#### THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998

##### SECTION 401. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT

This section specifies the short title, the "American Competitiveness and Workforce Improvement Act of 1998," the table of contents for the legislation, and the rule that, unless otherwise specified, the legislation amends the Immigration and Nationality Act.

##### Subtitle A—Provisions Relating to H-1B Nonimmigrants

Subtitle A contains the changes the legislation is making to current law regarding H-1B visas.

##### SECTION 411. TEMPORARY INCREASE IN ACCESS TO TEMPORARY SKILLED PERSONNEL UNDER H-1B PROGRAM

This section specifies the new ceilings for these visas: 115,000 in FY 1999 and 2000, 107,500 in FY 2001, and 65,000 thereafter.

##### SECTION 412. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS IN CASE OF H-1B-DEPENDENT EMPLOYERS

This section provides for three new obligations that covered employers must attest to prior to sponsoring temporary foreign workers who either do not have a master's degree or who are paid less than \$60,000 annually.

Subsection 412(a) amends section 212(n)(1) of the Immigration and Nationality Act to